

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

|                                  |   |                             |
|----------------------------------|---|-----------------------------|
| <b>REGINALD LEVON ANDERSON,</b>  | ) |                             |
|                                  | ) |                             |
| <b>Plaintiff,</b>                | ) |                             |
|                                  | ) |                             |
| <b>v.</b>                        | ) | <b>7:13-CV-2029-MHH-TMP</b> |
|                                  | ) |                             |
| <b>TUSCALOOSA CIRCUIT COURT,</b> | ) |                             |
|                                  | ) |                             |
| <b>Defendant.</b>                | ) |                             |


**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on November 20, 2013, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed without prejudice. The court determined that the petitioner's claims should be treated as a petition for *habeas corpus* pursuant to 28 U.S.C. § 2254. The court directed the clerk to mail the petitioner a Petition Under 28 U.S.C. § 2254 for *Habeas Corpus* by a Person in State Custody. When the petitioner returned the completed form, the petition was docketed as a new case and given the number 7:13-cv-2105-LSC-TMP. The claims set forth in this complaint are contained in the second-filed *habeas* petition. Accordingly, the magistrate judge determined that this complaint is due to be dismissed. No objections were filed by either party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED.

Accordingly, the complaint is due to be dismissed without prejudice. A Final Judgment will be entered.

**DONE** and **ORDERED** this 23rd day of December, 2013.

  
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**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE